

2

FEAR WADDELL, P.C.
Peter L. Fear, No. 207238
pfear@fearlaw.com
Gabriel J. Waddell, No. 256289
gwaddell@fearlaw.com
Peter A. Sauer, No. 255957
psauer@fearlaw.com
7650 North Palm Avenue, Suite 101
Fresno, California 93711
(559) 436-6575
(559) 436-6580 (fax)

Attorney for CAPITAL FARMS, INC.,
Debtor in Possession

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

In re:

CAPITAL FARMS, INC.,

Debtor and Debtor-in-Possession.

Case No. 25-10074-A-12

Chapter 12

D.C. No. FW-5

Date: March 6, 2025

Time: 10:30 a.m.

Place: Dept. A, Courtroom 11, 5th Floor
United States Courthouse
2500 Tulare St., Fresno, California

Judge: Hon. Jennifer E. Niemann

**NOTICE OF DEBTOR'S MOTION FOR ORDER AUTHORIZING EMPLOYMENT
OF CHIEF RESTRUCTURING OFFICER PURSUANT TO 11 U.S.C. §363(b)**

NOTICE IS HEREBY GIVEN that on the above date and at the above time and place Debtor-in-Possession ("Debtor") will move for an Order Authorizing Employment of Scott Sackett as Chief Restructuring Officer Pursuant to 11 U.S.C. §363(b) (the "Motion"). Debtor has stipulated with several secured lenders to employ Mr. Sackett, and the purpose of this Motion is to obtain Court approval for that retention. Mr. Sackett has agreed to be compensated

1 on an hourly basis for his firm's work for the Debtor. Mr. Sackett's hourly rate is \$300 per
2 hour. His field agents have rates of \$175 per hour and administrative staff have rates of \$75
3 per hour. In addition, he has requested an allowance of up to \$2,500 per month for legal costs.
4 He has also requested a \$10,000.00 retainer. Debtor has provided for a \$10,000 retainer in
5 Debtor's most recent cash collateral budget.

6 Pursuant to Local Rule 9014-1(f)(2), opposition, if any, to the granting of the Motion
7 may be made at the hearing on the Motion. Failure to appear and oppose the Motion may be
8 deemed a waiver of opposition to the granting of the Motion.

9 To determine whether this matter has been resolved without oral argument or whether
10 the court has issued a tentative ruling, the pre-hearing disposition should be viewed at the
11 Court's website at www.caeb.uscourts.gov after 4:00 p.m. the day before the hearing; parties
12 appearing telephonically must view the pre-hearing dispositions prior to the hearing.

13 Date: February 24, 2025

FEAR WADDELL, P.C.

14 By: /s/ Peter L. Fear

15 PETER L. FEAR
16
17
18
19
20
21
22
23
24